

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

BOLLINGER, RUBERRY & GARVEY, )  
Petitioner, )  
v. ) Case No.: 1:08-CV-3698  
DAN FORMELLER and JAMES BORCIA, )  
Respondents. )

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**NOTICE OF MOTION**

**TO:** Dan Formeller and James Borgia, Tressler, Soderstrom, Maloney & Priess, Sears Tower, 233 S. Wacker Dr., 22nd Fl., Chicago, IL 60606

On July 1, 2008 at 10:15 a.m., or as soon thereafter as counsel may be heard, I shall appear before the Honorable Judge James B. Zagel, or any judge sitting in his stead, in the courtroom usually occupied by him in Room 2503 of the Everett McKinley Dirksen, United States Courthouse, 219 South Dearborn Street, Chicago, IL 60604, and then and there shall present **BOLLINGER, RUBERRY & GARVEY'S EMERGENCY MOTION TO COMPEL COMPLIANCE WITH AND/OR ENFORCEMENT OF SUBPOENAS TO DAN FORMELLER AND JAMES BORGIA** a copy of which is attached hereto and served upon you.

**BOLLINGER, RUBERRY & GARVEY**

By:

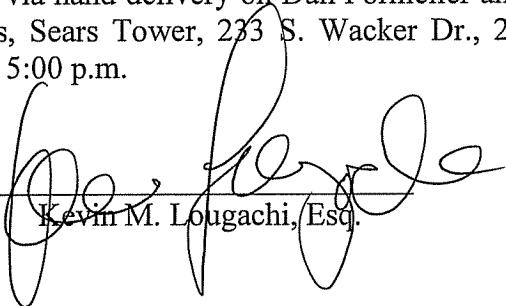
One of its attorneys

Edward F. Ruberry, Esq.  
Perry M. Shorris, Esq.  
Bollinger Ruberry & Garvey  
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500 West Madison  
Chicago, IL 60661-2511  
(312) 466-8000  
Atty. No. 13507

**PROOF OF SERVICE**

Under penalties as provided by law, the undersigned, an attorney, on oath states that I had this Notice and the referenced documents served via hand delivery on Dan Formeller and James Borcia, Tressler, Soderstrom, Maloney & Priess, Sears Tower, 233 S. Wacker Dr., 22nd Fl., Chicago, IL 60606 on June 30, 2008 on or before 5:00 p.m.

By:

  
Kevin M. Lougachi, Esq.